

IN RE: PETITION FOR SPECIAL HEARING

S/S Emory Road, 213' E
centerline of Hanover Pike
4th Election District
3rd Councilmanic District
(5307, 5309, 5311 Emory Road)

NACO, a Maryland General Partnership,
by and through William Nash,
its General Partner

Petitioner

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 02-199-SPH

*
* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Special Hearing filed by the legal owner of the subject property, NACO, a Maryland General Partnership, by and through William Nash, its General Partner. The petition was prepared and filed by G. Scott Barhight, attorney at law. The special hearing request involves property located at 5307, 5309 and 5311 Emory Road, located in the Upperco area of Baltimore County. The *Petitioner* is requesting approval of 3 residential single-family dwellings located on the same parcel of land.

Appearing at the hearing on behalf of the special hearing request were William Nash, appearing on behalf of the owner of the property, Roy Snyder, property line surveyor and G. Scott Barhight, attorney at law. Mr. Paul Bensch appeared as an interested citizen. There were no Protestants in attendance.

Testimony and evidence indicated that the property, which is the subject of this special hearing request, consists of 1.6574 acres, more or less, zoned RC.5. The subject property is improved with 3 single-family residential dwellings. The testimony and evidence indicated that the subject dwellings were constructed prior to 1955, which is the controlling year upon which

3/5/02
J. R. O'Connell

the subdivision regulations came into effect in Baltimore County. At the time that these single-family dwellings were constructed they met all applicable regulations, as well as all well and septic regulations. Since the 1940's and early 1950's, the time at which these 3 houses were constructed, the Development Regulations and Zoning Regulations of Baltimore County applicable to this property have changed. The 3 houses in question are no longer able to meet current standards. However, given that they were constructed prior to the time at which the current standards were promulgated, the houses in question are truly nonconforming. Therefore, it is appropriate to grant the Petitioner's special hearing to approve the 3 single-family houses situated on the property in the fashion depicted on Petitioner's Exhibit No. 1, the site plan submitted into evidence as nonconforming uses. The granting of the Petitioner's request will in no way alter that which has existed on the property for over 50 years.

As with all nonconforming use cases, the first task is to determine whether a lawful nonconforming use existed on the subject property prior to the year in which a change in the zoning regulations caused the use of the property to become illegal. The controlling year in this case is 1955.

The second principle to be applied, as specified in Section 104.1, is whether or not there has been a change in the use of the subject property. A determination must be made as to whether or not the change is a different use, and therefore, breaks the continued nature of the nonconforming use. If the change in use is found to be different than the original use, the current use of the property shall not be considered nonconforming. See McKemy v. Baltimore County, Maryland, 39 Md. App. 257, 385 A.2d 96 (1978).

When the claimed nonconforming use has changed, or expanded, then the Deputy Zoning Commissioner must determine whether or not the current use represents a permissible

3/5/02
J. P. Amerson

intensification of the original use or an actual change from the prior legal use. In order to decide whether or not the current activity is within the scope of the nonconforming use, the Deputy Zoning Commissioner should consider the following factors:

- (a) "To what extent does the current use of these lots reflect the nature and purpose of the original nonconforming use;
- (b) Is the current use merely a different manner of utilizing the original nonconforming use or does it constitute a use different in character, nature and kind;
- (c) Does the current use have a substantially different effect upon the neighborhood;
- (d) Is the current use a "drastic enlargement or extension" of the original nonconforming use."

McKemy v. Baltimore County, Md., supra.

As stated previously, Mr. Paul Bensch appeared as an interested citizen in the matter. Mr. Bensch lives immediately to the south of the 3 dwellings in question. His concern revolved around whether the Petitioner proposed any further subdivision of the subject property. Mr. Bensch accepts the 3 houses that exist on the property today. He does not wish to see larger homes constructed or any further subdivision of the property. Mr. Bensch also had some other minor issues, all of which will be addressed in the conditions and restrictions imposed at the end of this order.

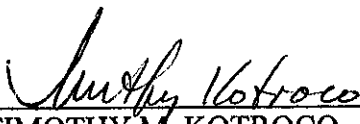
Pursuant to the advertisement, posting of the property and public hearing held on the petition and for the reasons given above, the special hearing request should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 5th day of March, 2002, that the Petitioner's request for special hearing to approve 3 nonconforming single-family dwellings on one property, be and is hereby APPROVED, subject to the conditions and restrictions imposed hereinafter:

3/5/02
JP Gamerton

1. Each of the lots in question shall contain one single-family residential dwelling the size and location of which is depicted on Petitioner's Exhibit No. 1, the site plan submitted into evidence. There shall be no further subdivision of any of the 3 lots to allow for any additional residential home to be constructed.
2. The Petitioner shall be permitted to extend any of the dwellings in question by no more than 25% of the footprint of the first floor of the house. In the event one of the homes are destroyed by fire, the Petitioner shall be permitted to replace that home with a new similarly sized dwelling. This restriction is in accordance with Sections 104.2 and 104.3 of the Baltimore County Zoning Regulations.
3. The Petitioner shall be required to relocate an existing fence located on the western property line of Mr. Paul Bensch, the adjacent property owner who appeared at the hearing, in the event it is determined by the parties that the fence in question is located on property owned by Mr. Bensch.
4. The Petitioner shall be permitted to explore the possibility of conveying the rear portion of the property located at 5307 Emory Road to adjacent property owners Bensch, McDonald and/or Dircks, in the event the parties wish to acquire some of that property for additional yard space. Any contemplated non-density transfer shall be accomplished in accordance with the applicable Baltimore County Zoning Regulations.
5. The Petitioner shall be required to regularly maintain and service the existing septic systems on the property. Routine maintenance and repairs shall be performed as needed, in order to ensure that these systems are functioning properly.

IT IS FURTHER ORDERED, that any appeal of this decision must be made within thirty (30) days of the date of this Order.


TIMOTHY M. KOTROCO
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

TMK:raj



Baltimore County
Zoning Commissioner

Suite 405, County Courts Bldg.
401 Bosley Avenue
Towson, Maryland 21204
410-887-4386
Fax: 410-887-3468

March 5, 2002

G. Scott Barhight, Esquire
Jennifer R. Busse, Esquire
Whiteford, Taylor & Preston, L.L.P.
210 W. Pennsylvania Avenue
Towson, Maryland 21204

Re: Petition for Special Hearing
Case No. 02-199-SPH
Property: 5307, 5309 & 5311 Emory Road

Dear Mr. Barhight & Ms. Busse:

Enclosed please find the decision rendered in the above-captioned case. The Petition for Special Hearing has been granted in accordance with the enclosed Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days from the date of the Order to the Department of Permits and Development Management. If you require additional information concerning filing an appeal, please feel free to contact our appeals clerk at 410-887-3391.

Very truly yours,

A handwritten signature in cursive script, reading "Timothy M. Kotroco".

Timothy M. Kotroco
Deputy Zoning Commissioner

TMK:raj
Enclosure

Come visit the County's Website at www.co.ba.md.us



Printed with Soybean Ink
on Recycled Paper

Copies to:

Mr. William Nash
3905 St. Paul Road
Hampstead, MD 21074

Mr. Roy Snyder
Surveyor, Inc.
1911 Hanover Pike
Hampstead, MD 21074

Mr. Paul Bensch
15213 Hanover Pike
Upperco, MD 21155



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County
HEARING OFFICER

for the property located at 5307, 5309 & 5311 Emory Road
which is presently zoned R.C. 5

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve
Hearing Officer

Please See Attached

Property is to be posted and advertised as prescribed by the zoning regulations. I, or we, agree to pay expenses of above Special Hearing, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

Name - Type or Print _____

Signature _____

Address _____ Telephone No. _____

City _____ State _____ Zip Code _____

Attorney For Petitioner:

G. Scott Barhight

Jennifer R. Busse

Name - Type or Print _____

Signature _____

Whiteford, Taylor & Preston

Company _____

210 W. Pennsylvania Ave 410-832-2000

Address _____ Telephone No. _____

Towson, MD 21204

City _____ State _____ Zip Code _____

Case No. 02-199-SPH

REV 9/15/98

Legal Owner(s):

NACO, a Maryland General Partnership

Name - Type or Print _____

Signature _____

William Nash, General Partner

Name - Type or Print _____

Signature _____

15223 Hanover Pike

Address _____ Telephone No. _____

Upperco, MD 21155

City _____ State _____ Zip Code _____

Representative to be Contacted:

Jennifer R. Busse

Name _____

210 W. Pennsylvania Ave 410-832-2000

Address _____ Telephone No. _____

Towson, MD 21204

City _____ State _____ Zip Code _____

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Reviewed By BR Date 11/14/01

Attachment to Petition for Special Hearing
Petitioner - NACO, a Maryland General Partnership
For property located at : 5307, 5309, and 5311 Emory Road
Item # : 02-199-SPH

To determine whether or not the Zoning Commissioner/Hearing Officer should
approve a Petition to establish 3 residential lots to support 3 non-conforming dwellings.

A. L. Snyder
Surveyor, Inc.
1911 Hanover Pike
Hampstead, Maryland 21074

(410) 239-7744

(410) 374-9695 phone/fax

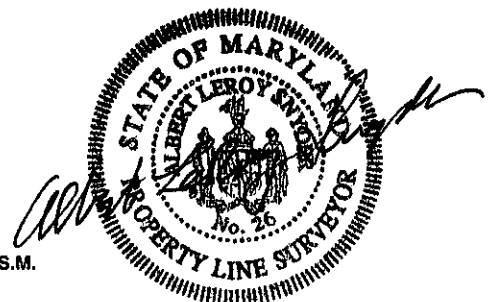
Zoning Description
5307, 5309, 5311 Emory Road
October 26, 2001

Beginning at a point in Emory Road (21 ft. macadam surface) distant 213 feet east of the centerline of Maryland Route No.30, also known as Hanover Pike, (66 feet wide); thence the following courses,

- 1.) South 83 degrees 15 minutes 05 seconds East 259.27 feet; thence,
- 2.) South 22 degrees 17 minutes 24 seconds East 18.20 feet; thence,
- 3.) South 06 degrees 54 minutes 05 seconds East 182.32 feet; thence,
- 4.) South 77 degrees 02 minutes 10 seconds East 59.25 feet; thence,
- 5.) South 29 degrees 37 minutes 23 seconds East 80.02 feet; thence,
- 6.) South 72 degrees 48 minutes 29 seconds West 170.27 feet; thence,
- 7.) North 24 degrees 54 minutes 45 seconds West 183.00 feet; thence,
- 8.) North 77 degrees 02 minutes 10 seconds West 85.70 feet; thence,
- 9.) North 85 degrees 16 minutes 32 seconds West 80.67 feet; thence,
- 10.) North 06 degrees 44 minutes 55 seconds East 170.83 feet to the point of beginning.

Containing 1.6574 acres of land, more or less.

Being all that parcel of land conveyed to NACO by deed dated February 8, 1996 and recorded among the Land Records in Liber S.M. 11452 folio 558, etc. Also known as 5307, 5309, & 5311 Emory Road in the Fourth Election District of Baltimore County, Maryland.



BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. **07881**

DATE 11/14/01 ACCOUNT FOO1-006 - 5160

AMOUNT \$ 150.00

RECEIVED FROM: Whitford Taylor & Preston LLP

FOR: Zoning Special Hearing

DISTRIBUTION
 WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

Form #199

PAID RECEIPT

PAYMENT ACTUAL TIME

11/15/2001 11/14/2001 15:45:52

REF #003 CASHIER ERIC LIG DWMER

>> RECEIPT # 224000 OFLN 3

DEPT 5 528 ZONING VERIFICATION

CR NO. 007991

Receipt Tot 150.00

150.00 CR

Baltimore County, Maryland

CASHIER'S VALIDATION

**NOTICE OF ZONING
HEARING**

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland, on the property identified herein as follows:

Case: #02-199-SPH
6307, 5309, 5311 Emory Road
S/S Emory Road, 213' E
centerline Hanover Pike
4th Election District
3rd Councilmanic District
Legal Owner(s): William
Nash, Gen. Partner

Special Hearing: to determine whether or not the Zoning Commissioner/Hearing Officer could approve a petition to establish 3 new residential lots to support 3 non-conforming dwellings existing on 1.66 acres.

Hearing: Wednesday,
January 16, 2002 at 10:00
a.m. in Room 407, County
Courts Building, 401 Bos-
ley Avenue.

LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County

NOTES: (1) Hearings are
Handicapped Accessible; for
special accommodations
Please Contact the Zoning
Commissioner's Office at
(410) 887-4386.

(2) For information con-
cerning the file and/or
hearing, Contact the Zoning
Review Office at (410) 887-
3391.

1/01/ Jan. 3 C513188

CERTIFICATE OF PUBLICATION

1/3/, 2002

THIS IS TO CERTIFY, that the annexed advertisement was published in the following weekly newspaper published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 1/3/, 2002.

- ☒ The Jeffersonian
- ☐ Arbutus Times
- ☐ Catonsville Times
- ☐ Towson Times
- ☐ Owings Mills Times
- ☐ NE Booster/Reporter
- ☐ North County News

S. Wilkins

LEGAL ADVERTISING

CERTIFICATE OF POSTING

RE: Case No. 02-199-SPH
 Petitioner/Developer: NASH, ETAL
c/o W, T & P
 Date of Hearing/Closing: 1/16/02

To: <u>BETTY & ROBIN</u>		From: <u>O'KEEFE</u>	
Co. <u>ZONING</u>		Co. <u>(M)</u>	
Dept. <u></u>		Phone <u></u>	
Fax <u>410-887-3468</u>		Fax <u></u>	

Baltimore County Department of
 Permits and Development Management
 County Office Building, Room 111
 111 West Chesapeake Avenue
 Towson, MD 21204

Attention: Ms. Gwendolyn Stephens GEORGE ZAHNER

Ladies and Gentlemen,

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law
 were posted conspicuously on the property located at #5311 etc. EMORY

ROAD on site

The sign(s) were posted on 1/1/02

(Month, Day, Year)

Sincerely,

Patrick M O'Keefe 1/16/02

(Signature of Sign Poster and Date)

PATRICK M. O'KEEFE

(Printed Name)

523 PENNY LANE

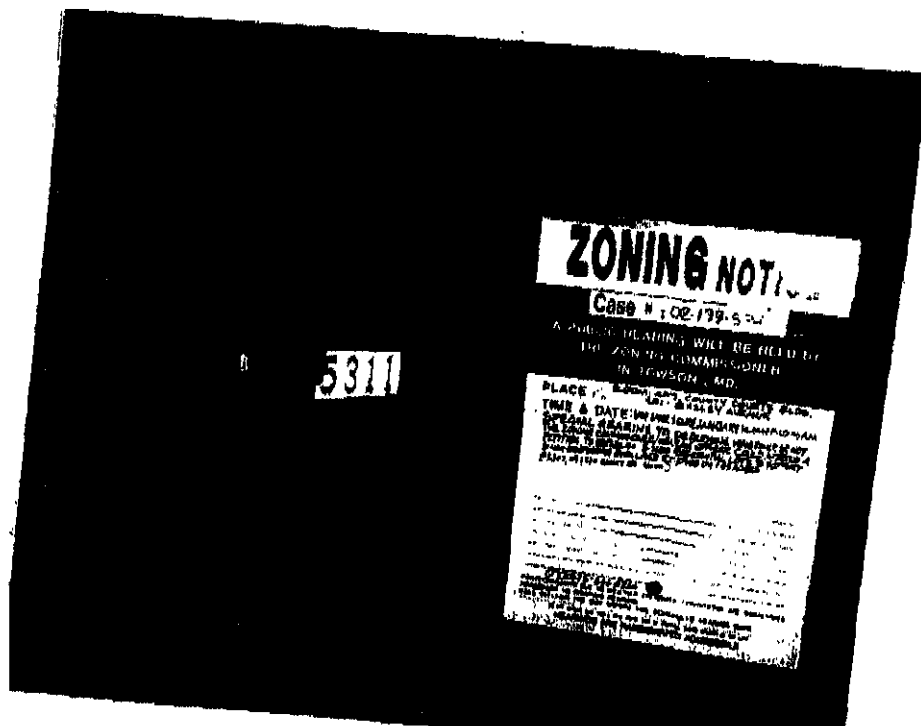
(Address)

HUNT VALLEY, MD. 21030

(City, State, Zip Code)

410-666-5366 ; CELL 410-905-8571

(Telephone Number)



DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT

ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:

Item Number or Case Number: 02-199-SPH

Petitioner: NACO, a Maryland General Partnership

Address or Location: c/o Jennifer Busse, Esq., Whiteford Taylor
& Preston, 210 W. Pennsylvania Ave., Towson, MD, 21204

PLEASE FORWARD ADVERTISING BILL TO:

Name: Jennifer R. Busse, Esq.

Address: Whiteford Taylor & Preston
210 W. Pennsylvania Ave.
TOWSON, MD 21204

Telephone Number: 410-832-2077

TO: PATUXENT PUBLISHING COMPANY
Thursday, January 3, 2002 Issue – Jeffersonian

Please forward billing to:

Jennifer R Busse
Whiteford Taylor & Preston
210 W Pennsylvania Avenue
Towson MD 21204

410 832-2077

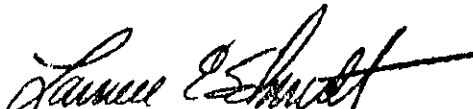
NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 02-199-SPH
5307, 5309, 5311 Emory Road
S/S Emory Road, 213' E centerline Hanover Pike
4th Election District – 3rd Councilmanic District
Legal Owner: William Nash, Gen. Partner

Special Hearing to determine whether or not the Zoning Commissioner/Hearing Officer could approve a petition to establish 3 new residential lots to support 3 non-conforming dwellings existing on 1.65 acres.

HEARING: Wednesday, January 16, 2002 at 10:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue



Lawrence E. Schmidt

LAWRENCE E. SCHMIDT GDL
ZONING COMMISSIONER FOR BALTIMORE COUNTY

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



Baltimore County
Department of Permits and
Development Management

Director's Office
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
410-887-3353
Fax: 410-887-5708

December 14, 2001

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 02-199-SPH
5307, 5309, 5311 Emory Road
S/S Emory Road, 213' E centerline Hanover Pike
4th Election District – 3rd Councilmanic District
Legal Owner: William Nash, Gen. Partner

Special Hearing to determine whether or not the Zoning Commissioner/Hearing Officer could approve a petition to establish 3 new residential lots to support 3 non-conforming dwellings existing on 1.65 acres.

HEARING: Wednesday, January 16, 2002 at 10:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue

A handwritten signature in cursive script, appearing to read "Arnold Jablon".

Arnold Jablon *GDZ*
Director

C: G. Scott Barhight, Whiteford Taylor & Preston, 210 W Pennsylvania Avenue,
Towson 21204
William Nash, NACO, 15223 Hanover Pike, Upperco 21155
Jennifer R Busse, 210 W Pennsylvania Avenue, Towson 21204

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY MONDAY, DECEMBER 31, 2001.**
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
pdmlandacq@co.ba.md.us

January 11, 2002

G. Scott Barhight
Whiteford Taylor & Preston
210 W Pennsylvania Avenue
Towson MD 21204

Dear Mr. Barhight:

RE: Case Number: 02-199-SPH, 5307, 5309, 5311 Emory Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on November 14, 2001.

The Zoning Advisory Committee (ZAC), which consists of representatives from several approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions, please do not hesitate to contact the commenting agency.

Very truly yours,

W. Carl Richards, Jr.

W. Carl Richards, Jr. GDZ
Supervisor, Zoning Review

WCR: gdz

Enclosures

c: William Nash, NACO, 15223 Hanover Pike, Upperco 21155
Jennifer R Busse, Whiteford Taylor & Preston, 210 W Pennsylvania Avenue,
Towson 21204
People's Counsel

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on Recycled Paper

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits & Development Mgmt. **DATE:** December 26, 2001

FROM:  Robert W. Bowling, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For December 10, 2001
Item Nos. 176, 177, 178, 179, 181, 184,
185, 186, 187, 188, 189, 193, 190, 191,
193, 194, 195, 196, 197, 198, ~~199~~ and
223

The Bureau of Development Plans Review has reviewed the subject zoning items, and we have no comments.

RWB:HJO:jrb

cc: File



Baltimore County
Fire Department

Office of the Fire Marshal
700 East Joppa Road
Towson, Maryland 21286-5500
410-887-4880

December 12, 2001

Department of Permits and
Development Management (PDM)
County Office Building, Room 111
Mail Stop #1105
111 West Chesapeake Avenue
Towson, Maryland 21204

ATTENTION: Gwen Stephens

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF December 3, 2001

Item No.: See Below

Dear Ms. Stephens:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

8. The Fire Marshal's Office has no comments at this time,
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS:

176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187,
188, 190, 191, 192, 193, 195, 198, ~~222~~ 223

REVIEWER: LIEUTENANT JIM MEZICK, Fire Marshal's Office
PHONE 887-4881, MS-1102F

cc: File

Come visit the County's Website at www.co.ba.md.us

*Sue
1/16*

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Arnold Jablon

FROM: R. Bruce Seeley *RBS*

JAN 2 5

DATE: 1/08/02

SUBJECT: Zoning Item 199
Address 5307, 5309, and 5311 Emory Road

Zoning Advisory Committee Meeting of 12/3/01

Ground Water Management

The proposed lots cannot support the required septic reserve area. See the attached letter from 6/22/01.

Reviewer: Sue Farinetti

Date: 12/10/01

Sept
11/16

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits and
Development Management

DATE: December 12, 2001

FROM: Arnold F. 'Pat' Keller, III
Director, Office of Planning

13

SUBJECT: Zoning Advisory Petition(s): Case(s) 02-178, 02-181, 02-185, 02-187, 02-192,
02-193, 02-198, & 02-199

The Office of Planning has reviewed the above referenced case(s) and has no comments to offer. For further questions or additional information concerning the matters stated herein, please contact Mark A. Cunningham in the Office of Planning at 410-887-3480.

Prepared by:

Mark A. Cunningham

Section Chief:

Jeffrey W. Lee

AFK/JL:MAC



Maryland Department of Transportation
State Highway Administration

Parris N. Glendening
Governor

John D. Porcari
Secretary

Parker F. Williams
Administrator

Date: 12.11.01

Mr. George Zahner
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. [REDACTED] BR

Dear Mr. Zahner:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Should you have any questions regarding this matter, please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Very truly yours,

for

Kenneth A. McDonald Jr., Chief
Engineering Access Permits Division

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

34 1/16

RE: PETITION FOR SPECIAL HEARING
5307, 5309, 5311 Emory Road, S/S Emory Rd,
213' E of c/I Hanover Pike
4th Election District, 3rd Councilmanic

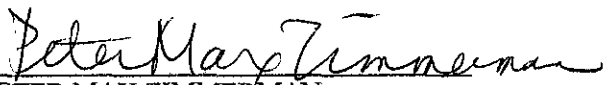
Legal Owner: NACO, a Maryland General Partnership
Petitioner(s)

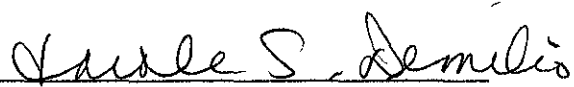
* BEFORE THE
* ZONING COMMISSIONER
* FOR
* BALTIMORE COUNTY
* Case No. 02-199-SPH

* * * * *

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order. All parties should copy People's Counsel on all correspondence sent/ documentation filed in the case.


PETER MAX ZIMMERMAN
People's Counsel for Baltimore County


CAROLE S. DEMILIO
Deputy People's Counsel
Old Courthouse, Room 47
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this ^{20th} ~~19th~~ day of December, 2001 a copy of the foregoing Entry of Appearance was mailed to G. Scott Barhight, Esq., Whiteford, Taylor & Preston, 210 W. Pennsylvania Avenue, Suite 400, Towson, MD 21204, attorney for Petitioner(s).


PETER MAX ZIMMERMAN

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

TO: Timothy V. Kotroco
Deputy Zoning Commissioner

DATE: January 30, 2002

FROM: R. Bruce Seeley, Project Manager *RBS*
Environmental Protection and Resource Management

SUBJECT: Zoning Petition # 02-199-SPH
5307, 5309 and 5311 Emory Road

This memorandum is to clarify this Department's position concerning the referenced Zoning Petition. As you know, the applicant requests you determine that you "*should approve a Petition to establish 3 residential lots to support 3 non-conforming dwellings*" (see Petition).

As stated in Mr. James R. Powell's letter to Mr. William Nash dated June 22, 2001, each house must have a 10,000 square foot sewage disposal reserve area (SRA). The property is not large enough to accomodate the three SRA's required to establish three separate lots.

Therefore, in accordance with COMAR regulations, it is our position that the three houses cannot be subdivided, deeded separately, or that 3 residential lots may be established on this property (see COMAR 26.04.03).

If you have any questions, please call me at 4488 extension 274.



Baltimore County
Department of Environmental Protection
and Resource Management
Ground Water Management

401 Bosley Avenue, Suite 416
Towson, Maryland 21204
410-887-2762
Fax: 410-887-4804

June 22, 2001

Mr. William Nash
NACO
15223 Hanover Pike
Upperco, Maryland 21155

RE: NACO Property Located 5307, 5309, 5311 Emory Road, District 4

Dear Mr. Nash,

This office has received a request from your surveyor, Mr. Roy Snyder; to subdivide the subject property, which you own; in order to create a separate building lot around each of the three existing dwellings, located thereon. The total property size is 1.657 acres and each dwelling is served by it's own individual well supply and sewage disposal system. Maryland Department of Environment regulations, COMAR 26.04.03.03.A.(1) requires a minimum sewage disposal reserve area of 10,000 sq. ft. be established for each dwelling, whether it be proposed or existing. Review of the site plan submitted by your surveyor, Mr. Snyder, indicates that less than 14,000-sq. ft. sewage disposal area is available for the entire property. It appears that the placement of the existing wells and septic system components for the three existing dwellings on the property as well as the proximity of wells and septic systems on surrounding properties has severely restricted the area available for sewage disposal on your property. Consequently, this Department finds it cannot approve the proposal to subdivide the property.

If you have any questions regarding this matter, please contact this office.

Sincerely,

James R. Powell, Supervisor
Soil Evaluation Section



1997 Gold Award Recipient

J / R. Powell, Nash Prop , 6-22-01

Come visit the County's Website at www.co.ba.md.us

WHITEFORD, TAYLOR & PRESTON L.L.P.

SEVEN SAINT PAUL STREET
BALTIMORE, MARYLAND 21202-1626
TELEPHONE 410 347-8700
FAX 410 752-7092

210 WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204-4515

410 832-2000
FAX 410 223-4057
www.wtplaw.com

1025 CONNECTICUT AVENUE, NW
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TELEPHONE 202 659-6800
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20 COLUMBIA CORPORATE CENTER
10420 LITTLE PATUXENT PARKWAY
SUITE 495
COLUMBIA, MARYLAND 21044-3528
TELEPHONE 410 884-0700
FAX 410 884-0719

115 ORONOCO STREET
ALEXANDRIA, VIRGINIA 22314
TELEPHONE 703 836-5742
FAX 703 836-3558

G. SCOTT BARHIGHT
DIRECT NUMBER
410 832-2050
gbarhight@wtplaw.com

January 17, 2005

Hand Delivery

Timothy M. Kotroco, Esq., Director
Department of Permits & Development Management
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Emory Road Properties
Information in Relation to DRC Item Heard on 12/05/05
(I do not know the DRC number)


Dear Tim:

Thank you for meeting with me with regard to the above referenced properties. My client, NACO, is the owner of 5307 and 5311 Emory Road. As you are aware, NACO was previously the owner of 5309 Emory Road as well and all three properties were the subject of a Zoning Hearing in February 2002. Attached please find a copy of the Deputy Zoning Commissioner's Order in Case 02-199-SPH dated March 5, 2002, a copy of the Petition for Special Hearing filed in that case, as well as a copy of the Plan which was approved. I point out to you that on page 4 of the Deputy Zoning Commissioner's Order, Condition 1 notes that "Each of the lots in question shall contain one single-family dwelling. . . . There shall be no further subdivision of any of the 3 lots to allow for any additional residential home to be constructed". In sum, the language requesting relief which was filed, the language seeking relief noted on the Plan, and the Order itself all demonstrate that the approval related to confirming the existence of three individual lots.

NACO transferred ownership of 5309 Emory Road on April 23, 2004 to John and Rebecca Clark. In November of 2005, NACO sought approval from the DRC for a lot line adjustment which would provide the 5309 Emory Road property (owned by John and Rebecca Clark) with .379 of an acre of land from the 5307 Emory Road property (owned by NACO). Enclosed please find copies of the Deeds for each of the three (3) lots on Emory Road - 5307, 5309 and 5311. Also attached is a copy of the SDAT information for 5309 Emory Road, evidencing that NACO has already transferred ownership of this property to the Clarks.

The DRC has withheld approval of the requested lot line adjustment. In light of the express language from the Zoning Order, reference above, I respectfully request you correct the DRC's misunderstanding of this situation. Thank you for your consideration of this request.

Sincerely,


G. Scott Barhight

Timothy M. Kotroco, Esq., Director
January 13, 2006
Page 2

GSB:jrb

Enclosures

cc: Mr. Donald T. Rascoe
Jennifer R. Busse, Esq.
Mr. William Nash

351430

**Department of Permits and
Development Management**

Director's Office
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204
Tel: 410-887-3353 • Fax: 410-887-5708



Baltimore County

*James T. Smith, Jr., County Executive
Timothy M. Kotroco, Director*

January 26, 2006

G. Scott Barhight, Esquire
Whiteford, Taylor & Preston L.L.P.
210 West Pennsylvania Avenue
Towson, Maryland 21204-4515

Re: Emory Road Properties

Dear Mr. Barhight:

Thank you for meeting with me regarding the above referenced properties and kindly accept this letter as a response to that meeting and your letter dated January 17, 2006. I have reviewed the contents of your letter and have pulled zoning file 02-199-SPH. You may recall that I was the Deputy Zoning Commissioner who heard this matter in March 2002. I remember the case very well as I have an occasion to drive by these particular properties, almost on a daily basis.

After careful consideration of the points you make in your letter and my review of the zoning file, I must advise you that I disagree with your position as to the creation of three new lots on this property. The relief granted by me as Deputy Zoning Commissioner was specifically to approve "3 nonconforming single family dwellings on one property". I anticipated at the hearing in 2002 that your client would process a minor subdivision to create three new lots and only requested the zoning relief to demonstrate that they were entitled to three density units. As Deputy Zoning Commissioner, I handled many other situations where similar relief was requested.

Therefore, it is not possible for my department to approve a lot line adjustment at this time as lot lines were never officially created through the subdivision process. I will be happy to meet with you in order to discuss other possibilities that your client may wish to pursue in order to accomplish their objective. Lastly, and as an aside, I am troubled to see that the third house farthest removed from Hanover Pike is for sale. Without the proper subdivision of these lots, I question how good title can pass to a buyer.

Very truly yours,

A handwritten signature in black ink, appearing to read "Timothy Kotroco".

Timothy M. Kotroco, Director
Permits & Development Management

cc: Pat Keller, Director, Office of Planning
Dave Carroll, Director, Environmental Development
Donald Rascoe, Deputy Director, Permits and Development Management

02-199-SPH

PLEASE PRINT CLEARLY

CITIZEN SIGN-IN SHEET

NAME

ADDRESS

Paul Bensch

15213 Hanover Pike

Upence, Wd 21155

410-429-4023

PLEASE PRINT CLEARLYPETITIONER(S) SIGN-IN SHEETNAMEADDRESS

WILLIAM NASH

3905 S. PAUL B. HAMPSHIRE MD 21074

ROY SNYDER

1911 HARBOR PIER HAMPSHIRE MD 21074

G-Scott B. L.

210 W. Penn Ave, Tow MD 21204



IN RE:

PETITION FOR SPECIAL HEARING
FOR
5307, 5309 and 5311
Emory Road

* BEFORE THE
* BALTIMORE COUNTY
* ZONING COMMISSIONER
*
*
*

* Case No. 02-199-SPH

* * * * *

AFFIDAVIT

I, William Armacost, do swear and affirm under the penalties of perjury that I am over eighteen (18) years of age, and am competent to testify as to the matters contained herein, which matters are based upon my personal knowledge.

1. I reside at 3001 Leib Road, Parkton, Maryland 21120.
2. I have resided in the vicinity of Emory Road for 35 years.
3. The residential dwellings located at 5309 and 5311 Emory Road, in Upperco, Maryland 21155, were both fully constructed and occupied prior to 1955.
4. Construction began on the residential property located at 5307 Emory Road, Upperco, Maryland 21155 in 1953. Construction on that property was completed in 1956.

I SOLEMNLY AFFIRM, under the penalties of perjury and upon personal knowledge, that the contents of this Affidavit are true.

William Armacost
William Armacost

IN RE:

PETITION FOR SPECIAL HEARING
FOR
5307, 5309 and 5311
Emory Road

* BEFORE THE
* BALTIMORE COUNTY
* ZONING COMMISSIONER

Pet Ex 2B

*

*

*

* Case No. *02-199-SP14*


* * * * *

AFFIDAVIT

I, Ronald Armacost, do swear and affirm under the penalties of perjury that I am over eighteen (18) years of age, and am competent to testify as to the matters contained herein, which matters are based upon my personal knowledge.

1. I reside at 2568 ^{c Koon} Koon Club Road, Hampstead, Maryland 21074.
2. I have resided in the vicinity of Emory Road for 59 years.
3. The residential dwellings located at 5309 and 5311 Emory Road, in Upperco, Maryland 21155, were both fully constructed and occupied prior to 1955.
4. Construction began on the residential property located at 5307 Emory Road, Upperco, Maryland 21155 in 1953. Construction on that property was completed in 1956.

I SOLEMNLY AFFIRM, under the penalties of perjury and upon personal knowledge, that the contents of this Affidavit are true.


Ronald Armacost

CODE *Pot Ex #3*
of the
PUBLIC LOCAL LAWS
of
BALTIMORE COUNTY
(Article 3 of the Code of Public Local Laws of Maryland)

Comprising all the Local Laws of the State of Maryland in
force in Baltimore County to and inclusive of
the Acts of the General Assembly of Maryland
for the Regular Session of 1955

Including
also
Rules of the People's Court for Baltimore County

Edited by
CARL N. EVERSTINE
Director, Department of Legislative Reference

Baltimore, Maryland
1955

TITLE 25

PLANNING AND SUB-DIVISION CONTROL

- 365. Definitions.
- 366. Planning Board; members.
- 367. Class I members of Board.
- 368. Class II members of Board.
- 369. Powers of Planning Board.
- 370. Meetings; hearings; records.
- 371. Director and Deputy; appointment, terms, qualifications.
- 372. Consultants and specialists.
- 373. Master Plan; preparation.
- 374. Proposals covered by Master Plan.
- 375. Ability to carry out proposals in Master Plan.
- 376. Coordinated development of County.
- 377. Action on specific projects.
- 378. Reports from Planning Board.
- 379. Board's recommendations may be overridden.
- 380. Six-year capital improvement program.
- 381. Sub-divisions; plats.
- 382. Regulation of the sub-division of land.
- 383. Exemption of sub-divisions.
- 384. Joint Committee for processing sub-division plats.
- 385. Rules and regulations for Joint Committee.
- 386. Requirements for sub-divisions and plats.
- 387. Action on plats.
- 388. Approval of plats; filing required.
- 389. Requirements for filing.
- 390. Appeals from Planning Board.
- 391. Appeal from Circuit Court.
- 392. Penalties.
- 393. Endorsement of building permit applications.
- 394. Certificates of approval.
- 395. Issue of certificates.
- 396. Contents of certificates.
- 397. Fees for certificates.
- 398. Rights under certificates.
- 399. Failure to issue certificate within 15 days.
- 400. Applications addressed to Clerk to Commissioners.
- 401. Publication of hearings.
- 402. Existing Planning Commission reconstituted.

1955, ch. 610, sec. 441.

365. (a) As used in this sub-title, "Master Plan" means a composite of the mapped and written proposals recommending the physical development of Baltimore County which shall have been adopted by the Planning Board under this sub-title.

(b) "Street" means any street, avenue, boulevard, road, lane, parkway, freeway, viaduct, bridge, alley, or other way,

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to the Planning Board for
shall not act thereon with-
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agency, Federal, State, or

sec. 454.

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of the Department of Public Works and other County agencies for the collection of data and shall receive the recommendations from all County departments concerning their capital improvement needs before the 6-year Capital Improvement Program is prepared. The Planning Board shall consult with the Department of Public Works, the Board of Education and other using agencies before final action is taken on the 6-year Capital Improvement Program. The 6-year capital program, after approval by the Planning Board, shall be submitted to the County Commissioners not later than March 1, 1956, and each even numbered year thereafter. The Planning Board shall also submit not later than March 1, 1956, and each even numbered year thereafter, recommendations for the capital program for the following two years to the County Commissioners.

1955, ch. 610, sec. 457.

381. The County Commissioners of Baltimore County may by ordinance provide for the regulation of sub-divisions within the County by requiring approval of all plats by the Planning Board and the Department of Public Works before such plats may be filed with the Clerk of the Circuit Court for recording, and may authorize and empower the Planning Board and the Department of Public Works to review plats in accordance with sub-division regulations, requirements and standards adopted by the County Commissioners as hereinafter provided, and may further fix filing fees to be paid for by any applicant for sub-division approval.

1955, ch. 610, sec. 458.

382. The Planning Board shall prepare regulations governing the subdivision of land throughout Baltimore County, including but not limited to standards for approving the design of subdivisions, requirements for the submission of subdivision plats and the procedure to be followed by subdividers. Such regulations may provide for the proper arrangement of streets, in relation to other existing planned streets and to the Master Plan, for adequate and convenient open spaces for traffic, recreation, utilities, access of fire-fighting apparatus, light and air, and for the avoidance of congestion of population, including minimum widths and areas of lots. Such minimums shall coincide with such provisions in the Zoning Regulations for Baltimore County.

ZONING REGULATIONS AND RESTRICTIONS FOR BALTIMORE COUNTY

ORDERS AND RESOLUTIONS OF THE COUNTY COMMISSIONERS OF BALTIMORE COUNTY ADOPTING ZONING REGULATIONS AND RESTRICTIONS AND AMENDMENTS THERETO TO DATE.

Ref Ex #4

The County Commissioners of Baltimore County having received from the Zoning Commissioner of Baltimore County his Final Reports (as authorized by the aforesaid Act of 1941) recommending the adoption of certain zoning regulations and restrictions with respect to the erection, construction, reconstruction, alteration, repair and use of buildings, structures and land within the confines of Baltimore County, and having given fifteen days' notice in a newspaper of general circulation throughout Baltimore County of the place and time of hearings upon Final Reports and said public hearings having been held before the County Commissioners of Baltimore County, pursuant to said notices, and further continued hearings having been thereafter held thereon, and after thorough consideration, investigation and study, the following zoning regulations and restrictions and amendments were adopted:

ZONING REGULATIONS AND RESTRICTIONS FOR BALTIMORE COUNTY

SECTION 1—DEFINITIONS

Words used in the present tense includes the future; words in the singular number include the plural number; the word "shall" is mandatory and not directory.

For the purpose of this Resolution certain terms and words are defined as follows:

1. Accessory Building: A subordinate building, except structures used exclusively for farm operation, located entirely in and not occupying more than 35 per cent of a rear yard and whose use is wholly incidental to that of the main building on the same lot and which does not exceed 15 feet in height above the ground level. On any lot upon which is located a dwelling any building which is incidental to the conducting of any agricultural use on the same lot shall be deemed to be an accessory building. A trailer shall not be considered an accessory building.
2. Advertising structures: Any sign, billboard, surface, object or structure used for advertising purposes.
3. Airport: Any area of land or water designed and set aside for landing or taking-off of aircraft and utilized or to be utilized for such purposes.
4. Alley: A public way less than 30 feet in width and designated as an alley on either an unrecorded or recorded plat or dedicated as such by deed.
5. Apartment House: A detached building used and/or arranged for occupancy as dwellings for three or more families as separate housekeeping units. All such housekeeping units shall have unity in use and be supplied, in common, with heat, sewerage and/or other public convenience or utilities.
6. Basement or Cellar: That portion of a building below the first floor joists the floor of which is more than one-half the clear ceiling height below the adjacent ground.
7. Building: A structure having a roof supported by columns or walls for the shelter, support, or inclosure of persons, animals, or chattels. When any portion thereof is completely separated from all other portions by a division wall from the ground up to the roof and without any door or other openings, such portion shall be deemed a separate building.
8. Building Line: A line beyond which the foundation wall of a building shall not project.
9. Courts: An open, unoccupied space, other than a yard, on the same lot with a building, opening upon a street, alley, yard, lot line or setback, and which is bounded on two or more sides by such building.
10. Depth of Lot: The mean horizontal distance between the front line and the rear lot line.
11. Dwelling, Single Family: A detached dwelling arranged or used for occupancy by one family.
12. Dwelling, Two-Family: A detached dwelling arranged or used for occupancy by not more than two families as separate housekeeping units, and with not more than one entrance on any side. Such a dwelling shall have one housekeeping unit over the other.
13. Dwelling, Semi-detached: Two (single or two family) dwelling designed and erected, side by side, as a single detached building and with not more than two entrances on any one side, such (single or two-family) dwellings shall be separated by a solid fire-proof partition wall from foundation to roof.
14. Dwelling, Group House: Not less than three or more than seven (single or two-family) dwellings designed and erected as a single detached building and with not more than one entrance for each (single or two family) dwelling on any one side, such (single or two family) dwellings shall be separated by a solid fireproof partition wall from foundation to roof.

15. **Garage, Private:** An accessory building used only for storage of not more than three motor driven vehicles, only one of which may be a commercial vehicle.

16. **Garage, Public-Storage:** Garage other than a private garage in which the repair facilities are incidental to its primary use for storage.

17. **Garage, Public Service:** A garage other than a private or public storage garage where motor driven vehicles are stored, equipped for operation, repaired, or kept for remuneration, hire or sale.

18. **Height of Building:** The vertical distance measured from the average ground level at the front of the building to the highest point of the building.

19. **Home Occupation:** An occupation in connection with which there is used no display, (other than signs otherwise herein permitted), that will indicate from the exterior that the building is being utilized in whole or in part for any purpose other than that of a dwelling; in connection with which there is kept no stock in trade or commodity sold upon the premises, no person employed other than servants or a member of the immediate family residing on the premises, and no mechanical equipment except such as is used for purely domestic or household purposes.

20. **Junk Yard:** Any land or area used, in whole or in part, for storage of paper, rags, scrap metal or other junk or for the storage of automobiles not in running condition or for the dismantling of automobiles or other vehicles or machinery.

21. **Lot:** Land occupied, or to be occupied, by a building and its accessory buildings, together with such open spaces as may be required under these regulations, having its frontage upon a public street.

22. **Lot, Corner:** A lot fronting on and at the intersection of two or more streets intersecting at an angle or not more than one hundred thirty-five (135) degrees.

23. **Lot Lines:** Lines bounding a lot. Provided, however, that the lot lines shall conclusively be presumed to be the lines separating the lot from streets and highways.

24. **Non-conforming Use:** A building or land occupied by a use that does not conform to the provisions of the regulations for the zone in which it is located.

25. **Setback:** The shortest distance between the building line and the street line or lot line.

26. **Story:** That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there be no floor above it then the space between such floor and the ceiling above it, provided that a cellar shall not be considered a story.

27. **Structural Alterations:** Any change in the supporting members of a building, such as bearing walls, columns, beams or girders.

28. **Stable, Private:** An accessory building used only for the stabling or keeping of horses, and/or other animals, (not more than three in number) for private use only and not for livery or hire.

29. **Stable, Public:** An accessory building and/or other building, other than a private stable where horses and/or other animals are kept for livery or hire.

30. **Tourist Cabin Camp:** Any land on which there is located or erected one or more cabins, structures, tents or out-buildings, other than trailer or house car or combined trailer and house car, and other than a dwelling on the same premises, which are used or occupied, whether habitually or infrequently, as a dwelling, lodging or sleeping place by one or more persons, and shall include any structure or building used as a service building for such camp or intended for use as part of the equipment of such camp.

31. **Tourist Home:** A dwelling used exclusively (other than residence of the family) to provide not more than five rooms for rent to transients.

32. Trailer: A vehicle used, or intended for use as a conveyance upon the public street or highways, so designed, constructed, reconstructed, or added to by means of portable accessories in such manner as will permit the occupancy thereof as a movable dwelling or sleeping place.

33. Trailer Camp: Any land upon which, habitually or infrequently, one or more trailer or house cars, when detached from its automobile, or means of locomotion, or a combined car and house trailer, are placed or located, and whether or not used for occupancy as dwelling or otherwise, and shall include any structure or building used as a service building for such camp or intended for use as a part of the equipment of such camp.

34. Wayside Stand: A temporary structure including tables, or other method for display and sale of farm products or commodities.

35. Yard: An open space on the same lot as the building and unoccupied and unobstructed from the ground up (except such accessory buildings, or projections as are expressly permitted in these regulations) and not including a court.

36. Yard, Front: A yard extending across the full width of the lot and measured between the front lot line and the foundation wall of the building.

37. Yard, Rear: A yard extending across the full width of the lot measured between the rear lot line and the main building.

38. Yard, Side: A yard extending from the front yard to the rear yard and measured from the side lot line to the building.

39. Zone: An area for which the regulations governing the use of buildings and land are identical.

SECTION II—ZONES

For the purposes of these regulations, the County is hereby divided into Seven (7) Zones as follows:

- "A" Residence Zone - - - (Cottage)
- "B" Residence Zone - (Semi-detached)
- "C" Residence Zone - - (Apartment)
- "D" Residence Zone - - - (Group)
- "E" Commercial Zone.
- "F" Light Industrial Zone.
- "G" Heavy Industrial Zone.

SECTION III—"A" RESIDENCE ZONE

A. Use Regulations: In any "A" Residence Zone, except as hereinafter expressly provided, no building or land shall be used and no building or structure shall be hereafter erected, altered, repaired or used except for one or more of the following uses:

1. Church, parochial school, convent or monastery.
2. Dwelling, single family.
3. Dwelling, two-family.
4. Farming and buildings incidental thereto.
5. Home Occupations, provided that no sign or signs shall be displayed on the lot so used exceeding a total of two square feet in area, not projecting more than one foot beyond the building, and not illuminated.

6. Professional office when situated in the building used by practitioner as his or her private dwelling, provided that no name plate shall be displayed exceeding two square feet in area.
7. Public park or playground.
8. Public building.
9. Public water works or reservoir.
10. Trailer, one unoccupied, for storage only.
11. Tourist home.
12. Truck garden.
13. Accessory building and uses incident to any of the above uses when located on the same lot and in the rear yard and not involving the conduct of a retail business, and which may include:
 - (a) Any accessory building when located not less than 60 feet from front lot line and in case of a corner lot where rear lot line abuts on side line of lot adjoining on rear, no accessory building shall be less than 25 feet from the side street line except when built as a part of the main building, provided, however, that any accessory building which is erected within 60 feet of any side street line shall not be less than 10 feet from the rear lot line. In case of a corner lot where rear line of lot abuts on rear line of lot adjoining on rear, no accessory building shall be less than 15 feet from the side street line and in no case shall an accessory building be located within two feet of any lot line.
 - (b) Poultry house, provided use is of a private nature only and no poultry or eggs are sold, provided, however, that any poultry yard, run or enclosure, shall be, in its entirety, within the rear yard of such lot.
14. Telephone and telegraph lines, electric light and power lines on public highways or carrying less than 5,000 volts on poles, underground conduits, cables and gas, sewer and water mains and pipes, provided that no building or structure except such poles shall be erected, altered, repaired or used in connection therewith without the issuance of a special permit as provided in Section XIII—Sub-section I.
- B. Height Regulations: No building shall exceed a height of forty feet or three stories.
- C. Area Regulations: The minimum dimensions of yards, and the minimum lot area, except as provided in Section IX, shall be as follows:
 1. Lot Area: Each dwelling hereafter erected shall be located on a lot having an area of not less than five thousand square feet and a width of not less than fifty feet at the front building line. No yard space or minimum area required for a building or use by these regulations shall be considered as any part of the yard space or minimum area for another building or use.
 2. Front Yard: The building line shall set back from the front lot line to provide for a front yard not less than twenty-five feet in depth, provided that when the majority of residential buildings on one side of a street between two intersecting streets, have been lawfully built with different front yard depths than the aforesaid twenty-five feet, then no building hereafter erected or altered shall have a less front yard than the average depth of said actual front yards of buildings immediately to either side of said building; and, provided, further that no building shall be required by the regulations to set back more than fifty feet in any case, and provided further that these regulations shall not be construed as to reduce to less than 22 feet the buildable width of a corner lot.
 3. Side Yard: There shall be a side yard not less than seven feet in width along each side lot line, except in case of a corner lot the side yard along the side street shall not be less than fifteen feet.
 4. Rear Yard: There shall be a rear yard, having a minimum average depth of twenty feet but in no case less than fifteen feet in depth at any one point.

- 1. No portion of an alley shall be considered as any part of any side or rear yard.
- 2. No dwelling shall be built on a lot which does not abut upon and front directly on a public street, or adequate rural right-of-way.

SECTION IV—"B" RESIDENCE ZONE

- 1. Use Regulations: Except as hereinbefore expressly provided, no building or structure or land shall be used and no building or structure shall be hereafter erected, altered, repaired or used except for one or more of the following uses:
 - 1. Any use permitted in an "A" Residence Zone, any such use to be subject to the same conditions and limitations set forth as to such use in section III-A of these regulations:
 - 2. Children's Home.
 - Dwelling—semi-detached.
 - 3. Fraternity or Sorority House.
 - Orphanage.
 - 4. Tea Room, when operated as a home occupation.
- 2. Height Regulations: Same as in an "A" Residence Zone, as set forth in Section III-B.
- 3. Area Regulations: Same as in an "A" Residence Zone, as set forth in Section III-C, provided, however, that any semi-detached house erected under this Section shall be considered as one building.

SECTION V—"C" RESIDENCE ZONE

- 1. Use Regulations: Except as hereinafter expressly provided, no building or structure or land shall be used and no building or structure shall be hereafter erected, altered, repaired or used except for one or more of the following uses:
 - 1. Any use permitted in the "B" Residence Zone; any such use to be subject to the same conditions and limitations as provided in Section IV-A.
 - 2. Apartment house.
 - 3. Public storage garage where no repair facilities are maintained and when located not less than sixty feet from the front lot line and, in the case of a corner lot, thirty feet from the side street line except when contained within the main building and provided further that any accessory building and any detached garage which is erected on a corner lot within sixty feet of any side street line, shall be distant not less than ten feet from the party lot line intersecting such side street line.
- 2. Height Regulations: Building height unlimited.
- 3. Area Regulations: The minimum dimension of yards and the minimum lot area per family, except as provided in Section X, shall be as follows:
 - 1. Lot Area Per Dwelling Unit. Same as in "B" Residence Zone, Section IV, except in the case of apartments the minimum gross lot area per dwelling unit shall be six hundred twenty-five square feet.
 - 2. Front Yard: Minimum front yards for single-family or semi-detached dwellings shall be the same as hereinbefore specified in "A" Residence Zone and "B" Residence Zone respectively, except apartment buildings shall set back to provide for a front yard of not less than 55 feet in depth, measured from the center of the front street, in no case less than 25 feet from the front lot line, and when the building is more than 40 feet in height such front yard depth shall be increased 4 inches for each additional foot of height.

GENERAL INSTRUCTIONS

ARTY OF COMMONLY USED BUILDING CODE REQUIREMENTS AND MORE IMPORTANT REQUIREMENTS OF THE ZONING REGULATIONS RELATIVE TO "A" RESIDENCE ZONE (COTTAGE).

NOTE: The following summary of the Building Code and Zoning Regulations are not intended to replace either the Zoning Regulations of Baltimore County or the Building Code of Baltimore County. If in doubt as to the interpretations of these regulations, and for additional information, consult the Zoning Regulations, the Building Code, and the Buildings and Zoning Department of Baltimore County.

BUILDING REQUIREMENTS:

1. Plot Plan: In accordance with Section 102 of the Building Code, all applications for building permits must be accompanied by two copies of plot diagram or plot plan. This plot plan shall be drawn to scale showing the following:

- (a) Meridian (north arrow).
- (b) The actual shape and dimensions of land to be built on.
- (c) All streets, roads and right-of-ways adjacent to property.
- (d) Size, location and use of all existing buildings.
- (e) Size, location, use and set-backs of proposed buildings.
- (f) The location, use and set-backs of buildings on property to either side of the lot in question.

Plot plans showing individual buildings, shall be drawn to size $8\frac{1}{2} \times 11$ ", being size of the application for Building Permit. Plot plans for several buildings in a development may be included on one developer's plot in multiples of size indicated above.

2. Building Plans: Two Sets of Building Plans are Required. No application for a permit shall be considered and no permit granted unless and until all information required by the Buildings Engineer is supplied, and plans and specifications showing the nature and character of the work to be done and of the building or structure, or portion thereof, to be erected, constructed, repaired, altered, remodeled, removed, or demolished, provided that it shall not be necessary to file plans and specifications in connection with any application for a permit for work costing less than \$100.00, nor where such filing is waived or cause by the Buildings Engineer.

3. Footings: Footings shall be so designed that the pressure on the soil per unit of area shall be uniform under all parts of the building or structure and not exceed the allowable unit pressure for the type of soil. In no case shall the footings of the walls of dwellings be less than 18 inches wide by 8 inches deep.

4. Foundation Walls: Foundation walls or footings shall be carried to a point not less than 30 inches below finished grade and shall rest on solid ground or level rock. Continuous foundation walls are required for residences, garages, etc.

5. Foundation Wall Thicknesses: Minimum foundation wall thicknesses shall be as follows:

- (a) Rubble stone—18 inches.
- (b) Brick, hollow blocks or solid blocks—12 inches. (This width shall be carried continuously from top of footing to joist level).
- (c) Poured concrete foundations—10 inches.

Foundation is less than 3 feet below finished grade foundation walls of brick, hollow block, or solid block, may be 8 inches

6. Load bearing partitions shall be of two by four studs, nominal dimensions, or larger spaced not to exceed sixteen inches on center with the larger dimension perpendicular to the wall.

7. Framing Around Chimneys, etc.: Wood framing around chimneys, fireplaces and hearths shall not be closer than 12 inches.

8. Flue Linings: Flue linings are required for chimneys hereafter erected or rebuilt. This flue lining shall be in addition to any type of flue or adaptation thereof that may have been made as an integral part of any precast unit. Cross sectional area of smoke flues shall be designed to meet the requirements of the heat appliance, but in no case less than that required by the Building Code.

9. Joist Hangers: Wooden trimmers, headers and tail joists over 6' in length, unless supported on walls, or girders, shall be hung in approved metal stirrups or hangers.

ZONING REQUIREMENTS:

1. Front Yard: All buildings and structures, hereafter to be erected upon lots fronting on streets, roads, avenues, or highways 50 feet or less in width, shall be set back not less than 50 feet from the center of the street, road, avenue, or highway. And on streets, roads, avenues and highways having a width of more than 50 feet the set-back shall be not less than 25 feet from the front right-of-way line; provided that when the majority of residential buildings on one side of a street between two intersecting streets have been lawfully built with different front yard depths than as above required, then no building hereafter erected or altered on said street shall have a less front yard than the average depth of said actual front yards of buildings immediately to either side of said building; and, provided, further that no building shall be required by these regulations to set back more than fifty feet from the front property line, or more than one-third of the depth of the lot, whichever is greater.

2. Side Yard: There shall be a side yard not less than 7 feet in width along each side lot line except in case of a corner lot the side yard along the side street line shall not be less than 40 feet from the center line of streets 50 feet, or less in width, nor less than 15 feet from the side property line of streets in excess of 50 feet in width.

3. Rear Yard: There shall be a rear yard, having a minimum average depth of twenty feet but in no case less than fifteen feet in depth at any one point.

4. Accessory Buildings: Accessory buildings shall be located within the rear yard and shall not be less than 60 ft. from front property line and 2 ft. from any other property line. In case of corner lot consult the Zoning Regulations.

5. Yard Encroachments: Steps and unenclosed porches may extend beyond front building line not to exceed 9 ft. and shall not exceed 1-story in height; porches may not extend into the side yards.

BUILDING PERMIT REQUIRED BEFORE COMMENCING ANY CONSTRUCTION OR DEMOLITION.

Any owner, agent, builder or contractor who shall erect, alter, remove or demolish a building or structure of any kind without first having obtained a Permit shall be guilty of a misdemeanor and upon conviction thereof shall be fined not less than \$100.00 nor more than \$1,000.00 or imprisonment in jail for not less than 30 days nor more than 6 months or both at the discretion of the Court.

ADDITIONS AND AMENDMENTS TO THE ZONING REGULATIONS

Amend Section III, entitled "A" Residence Zone by striking out paragraph 2 of Sub-Section C, and in lieu thereof substitute the following:

2. Front Yard: All buildings and structures, hereafter to be erected upon lots fronting on streets, roads, avenues, or highways 50 feet or less in width, shall be set back not less than 50 feet from the center of the street, road, avenue, or highway. And on streets, roads, avenues and highways having a width of more than 50 feet the set-back shall be not less than 25 feet from the front right-of-way line; provided that when the majority of residential buildings on one side of a street between two intersecting streets have been lawfully built with different front yard depths than as above required, then no building hereafter erected or altered on said street shall have a less front yard than the average depth of said actual front yards of buildings immediately to either side of said building; and, provided, further that no building shall be required by these regulations to set back more than fifty feet from the front property line, or more than one-third of the depth of the lot, whichever is greater.

Amend Section III, entitled "A" Residence Zone by striking out Paragraph 3 of Sub-Section C, and in lieu thereof substitute the following:

3. Side Yard: There shall be a side yard not less than 7 feet in width along each side lot line except in case of a corner lot the side yard along the side street line shall not be less than 40 feet from the center line of streets 50 feet, or less in width, nor less than 15 feet from the side property line of streets in excess of 50 feet in width.

Strike out paragraph 2 of sub-section "C" Section 5 "C" Residence Zone and in lieu thereof substitute the following:

2. Minimum front yards for a single family, two-family, or semi-detached dwelling shall be the same as hereinbefore specified in an "A" Residence Zone and "B" Residence Zone, respectively, except apartment buildings erected upon lots fronting on streets, roads, avenues, or highways 60' or less in width shall be set back 55' from the center of the street, road, avenue, or highway. And on streets, roads, avenues and highways in excess of 60' in width the set-back shall be not less than 25' from the front property line; provided that when the majority of residential buildings on one side of a street between two intersecting streets have been lawfully built with different front yard depths than as above required, then no building hereafter erected or altered on said street shall have a less front yard than the average depth of said front yards of buildings immediately to either side of said buildings; and provided further that no building shall be required by these regulations to set back more than 50' from the front property line; and when the building is more than 40' in height such front yard depth shall be increased 4" for each additional foot of height.

Strike out paragraph 2 of sub-section "C" Section 6 "D" Residence Zone and in lieu thereof substitute the following:

2. Front Yard: Minimum front yard shall be as hereinbefore specified in a "C" Residence Zone.

Strike out sub-section "E" of Section 7 "E" Commercial Zone and in lieu thereof substitute the following:

All residential structures shall comply with area requirements for residential structures as hereinbefore set forth in Sections 3, 4, 5 and 6, according to the type of structure involved.

Add to Section 13 - "POWERS RELATIVE TO SPECIAL EXCEPTIONS AND SPECIAL PERMITS" 23 Restaurant.

Christian M. Kahl

Christian M. Kahl, President

John R. Haut

John R. Haut

Bremen A. Trail

Bremen A. Trail

County Commissioners of Baltimore County

after June 1953 *June Dyer*

RESOLUTION AND ORDER OF THE COUNTY COMMISSIONERS
OF BALTIMORE COUNTY

WHEREAS, the Zoning Commissioner of Baltimore County, pursuant to the power and authority vested in him by Chapter 877 of the 1943 Acts of the General Assembly of Maryland and Chapter 502 of the 1945 Acts of the General Assembly of Maryland, prepared a Preliminary Report with respect to Additions and Amendments to the Zoning Regulations and Restrictions for Baltimore County; and in accordance with the provisions of said Acts of Assembly, he duly published notice that he would hold a public hearing thereon in the Board Room, in the Reckord Building, Towson, Maryland, on April 22, 1953 at 1:00 o'clock p.m. and

WHEREAS, the Zoning Commissioner, at the time and place specified, conducted a public hearing with respect to said Preliminary Report and on May 7, 1953 submitted to the County Commissioners his Final Report recommending certain additions and Amendments to the Zoning Regulations and Restrictions for Baltimore County; and

WHEREAS, the County Commissioners of Baltimore County have due notice by publication of a hearing on said Final Report, in accordance with said Acts of Assembly, which said hearing was held in the Board Room of the County Commissioners of Baltimore County, in the Court House, Towson, Maryland, on Friday, June 12, 1953, at 11:00 o'clock a.m. and thereafter deliberated and considered all matters, facts and arguments submitted to them by the said Final Report and at said public hearing;

NOW, THEREFORE, It is this 2nd day of ~~June~~ ^{July}, 1953

ORDERED by the County Commissioners of Baltimore County that in order to promote health, safety, morals and general welfare of the community, the following Additions and Amendments to the Zoning Regulations and Restrictions for Baltimore County, be and they are hereby adopted and promulgated:

AMEND Section I, entitled "Definitions" by deleting Paragraph No. 19 entitled "Home Occupation".

AMEND Section III, "A" Residence Zone, by deleting from Paragraph "A", sub-paragraph No. 5 and sub-paragraph No. 6, and substitute in lieu thereof the following to be hereafter known as Section III, sub-paragraphs Nos. 5 and 6.

Professional offices and home occupations, other than barber shops, beauty shops and repair services, situate in and carried on in the building used by the practitioner or occupants as his or her private dwelling, provided there is no display or nameplate exceeding two square feet in area and not projecting more than one foot beyond the building and not illuminated; and the residential aspect of the building is in no way changed and in connection with which there is kept no stock in trade or commodities to be sold upon the premises and in which no mechanical equipment, except such as is used for purely domestic or household purposes, and no person is employed other than servants or members of the immediate family residing on the premises.

AMEND Section III, Paragraph C, Area Regulations, by striking out Paragraph No. 3 and in lieu thereof substitute the following:

3. Side Yard: There shall be a side yard not less than seven (7) feet in width along one side lot line and not less than ten (10) feet in width along the other side lot line except in case of a corner lot the side yard along the side street shall not be less than forty (40) feet from the center line of streets fifty (50) feet or less in width, nor less than fifteen (15) feet from the side property line of streets in excess of fifty (50) feet in width.

ADD to Section III, Paragraph C, a new paragraph to be known as Sub-paragraph No. 7, to read as follows:

Fences and Walls: The building line and yard requirements of these Regulations and Restrictions shall not apply to retaining walls or fences not over five (5) feet in height; except that on a corner lot in any residential zone, there shall be no fence, wall or structure, shrubbery, planting or other obstruction to vision having a height greater than three (3) feet six (6) inches above the curb level. Barbed wire is prohibited in the construction of any fence in a residential zone, other than agricultural area.

ADD to Section III, Paragraph A, sub-section No. 13 a new paragraph to be known as Section III, Paragraph A, sub-section No. 13, paragraph C, to read as follows:

In any residence zone a building permit for an accessory building or buildings may issue simultaneously with the permit for the dwelling or subsequent thereto.

SECTION IV - "B" RESIDENCE ZONE

AMEND Paragraph A, by deleting sub-paragraphs Nos. 2, 4 5 and 6.

SECTION VI "D" RESIDENCE ZONE

AMEND Paragraph C, Sub-paragraphs Nos. 3, 4 and 5 to read as follows:

3. Side Yard: There shall be a side yard of not less than fifteen (15) feet along each side of each group of dwelling units except in case of a corner lot the side yard along the side street line shall not be less than twenty five (25) feet in width. ✓

4. Rear Yard: There shall be a rear yard having a minimum depth of fifty (50) feet. Any fence, wall or hedge in the rear yard shall be at least thirteen (13) feet from the center line of the rear alley.

5. Accessory Buildings: Accessory buildings shall be permitted without restrictions as to setback from the property line except in the case of a house in a group at a street intersection, any accessory building shall have a minimum setback of twenty-five (25) feet from the side street line. Accessory buildings shall set back not less than thirteen (13) feet from the center line of the alley upon which the rear line of the lot abuts.

Area for a single garage or parking space for one automobile shall be provided on each group house lot. Or a compound for parking space with sufficient area for one automobile for each group house shall be provided.

None of the foregoing provisions, however, shall apply to any development, sub-division or parcel of land as to which any plan showing street layout has been or is submitted to the Planning Commission of Baltimore County for its consideration prior to October 1, 1953. X

SECTION XI - NON-CONFORMING USES

AMEND Section XI, Non-conforming Uses to read as follows:

A lawful non-conforming use existing on the effective date of the adoption of these Regulations and Restrictions may continue, provided, however, that upon any change from such non-conforming use to a conforming use or any attempt to change from such non-conforming use to a different type non-conforming use or any discontinuance of such non-conforming use for a period of one year, or in case a non-conforming commercial or industrial structure shall be damaged by fire or otherwise to the extent of seventy five (75%) per cent of its value, the right to continue or resume such non-conforming use shall terminate. No non-conforming use of a building, structure or parcel of land shall hereafter be extended more than twenty five (25%) per cent of the area of land or buildings used.

SECTION XIII - POWERS RELATIVE TO
SPECIAL EXCEPTIONS AND SPECIAL PERMITS

AMEND title to Section XIII by deleting the words "And Special Exceptions," to read "Powers Relative to Special Use Permits".

AMEND Section XIII, Paragraph A, sub-paragraph No. 9 "Dog Kennels" to read as follows:

Dog Kennel when more than three (3) dogs are kept.

ADD to Section XIII, Paragraph A, five new sub-paragraphs, to be known as sub-paragraphs Nos. 24, 25, 26, 27 and 28 to read as follows:

24. Day Nursery

25. Convalescent Home, Nursing Home or Orphanage

26. Open Air Drive-In Movie

27. Fences, walls, shrubbery or planting, except as provided in Section III, unless shown on original plans.

28. Volunteer fire company or fire house.

DELETE Sub-paragraphs (a) and (b) of Paragraph C.

AMEND Paragraph K to read as follows:

K. A junk yard may be allowed under a special permit in a heavy industrial zone only and subject to the following regulations:

SECTION VIII "F" LIGHT INDUSTRIAL ZONE

ADD to Paragraph A a new sub-paragraph, to be known as sub-paragraph No. 44 to read as follows: Dwelling, except as watchmen and caretakers quarters or under a Special Permit from the Zoning Commissioner.

None of the foregoing provisions, however, shall apply to any development, sub-division or parcel of land as to which any plan showing street layout has been or is submitted to the Planning Commission of Baltimore County for its consideration prior to October 1, 1953.

SECTION IX "G" HEAVY INDUSTRIAL ZONE

ADD to Paragraph A, a new sub-paragraph, to be known as sub-paragraph No. 9 to read as follows: Dwelling, except as watchmen or caretakers quarters or under a Special Permit from the Zoning Commissioner.

None of the foregoing provisions, however, shall apply to any development, sub-division or parcel of land as to which any plan showing street layout has been or is submitted to the Planning Commission of Baltimore County for its consideration prior to October 1, 1953.

**BALTIMORE COUNTY
ZONING REGULATIONS**

**ADOPTED BY
COUNTY COMMISSIONERS
OF
BALTIMORE COUNTY**

March 30, 1955, in accordance with Title 30, Section
532 (c) of the Code of Public Local Laws of Baltimore
County (1955 Edition).

1955

Michael J. Birmingham
President

Robert B. Hamill
Augustine J. Muller
County Commissioners of Baltimore County

Francis T. Peach
County Solicitor

George M. Berry
Deputy Solicitor

Wilsie H. Adams
Zoning Commissioner

—CONDENSED—
SCHEDULE OF BASIC LOT AREA
AND YARD REQUIREMENTS

Zones R. 40 to R. 6

(This chart is not a part of these Regulations but is included for convenient reference)

	R. 40	R. 20	R. 10	R. 6 (One-family)
AREAS				
Average	40,000	20,000	10,000	6,000
*Minimum	30,000	15,000	8,000	6,000
WIDTHS				
At Building Line	150	100	70	55
FRONT YARD				
Dwelling	50	40	30	25
Other Principal Buildings	70	60	50	40
SIDE YARDS				
Dwellings:				
Interior One	20	15	10	8
Both	50	30	25	20
Corner Side Street	50	40	30	25
Both	70	55	40	33
Other Principal Buildings				
Interior One	40	30	20	20
Both	80	60	40	40
Corner Side Street	65	50	35	35
Both	105	80	55	55
REAR YARD	50	40	30	30

*Not more than 15% of the lots—see Sections 202.1, 205.1 and 208.1

R. 6 ZONE

10,000 square feet and a width at the front building line of not less than 80 feet for a duplex dwelling and 90 feet for the pair of lots occupied by a semi-detached dwelling (see Section 304).

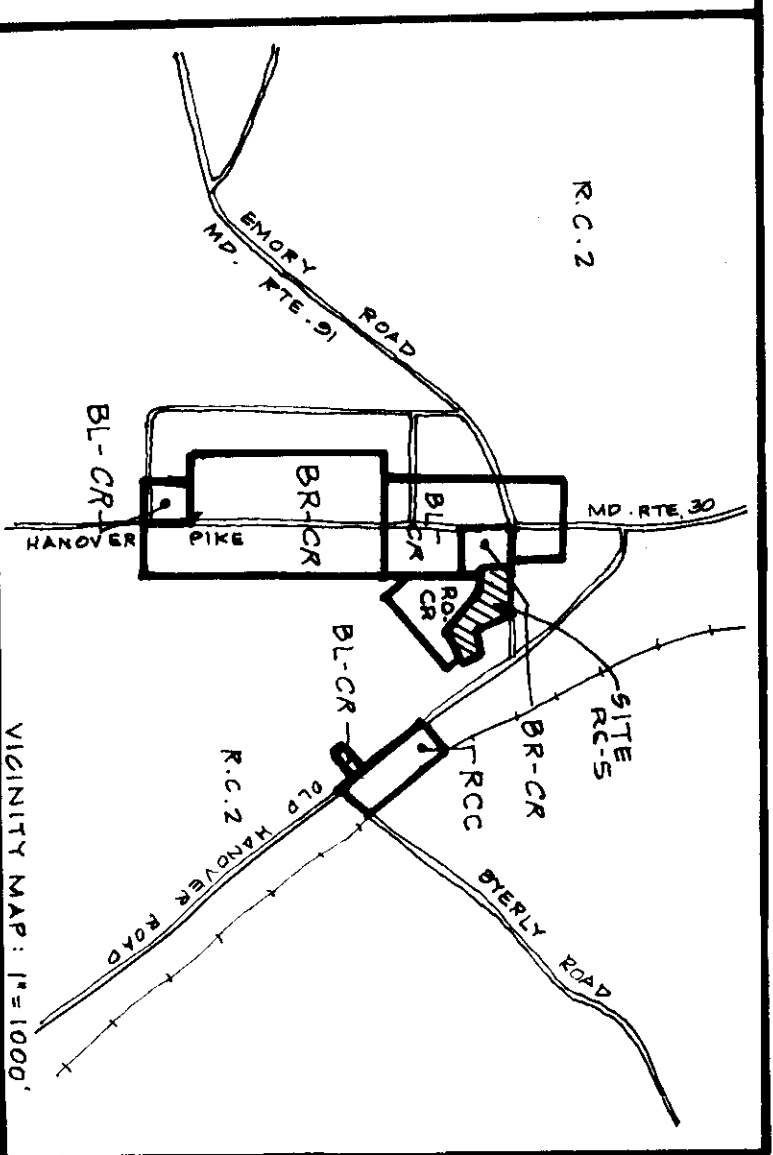
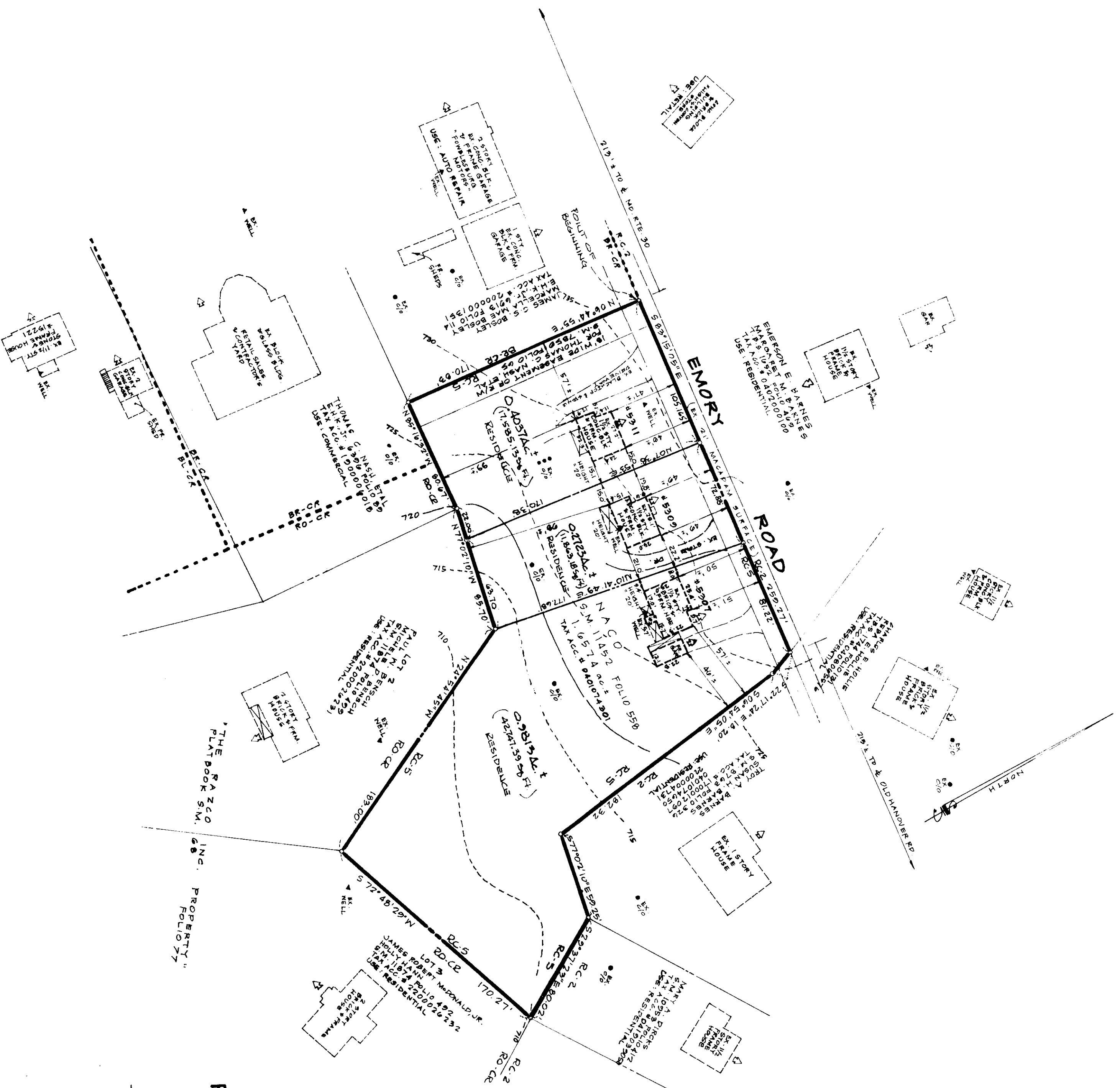
211.2—Front Yard—For dwellings, the front building line shall be not less than 25 feet from the front lot line and not less than 50 feet from the center line of the street, except as specified in Section 303.1; for other principal buildings—40 feet from the front lot line and not less than 65 feet from the center line of the street, except as specified in Section 303.1.

211.3 — Side Yards — For one-family dwellings, 8 feet wide for one side yard and not less than 20 feet for the sum of both, except that for a corner lot the building line along the side street shall be not less than 25 feet from the side lot line and not less than 50 feet from the center line of the side street; for two-family dwellings, side yards shall be as provided in Sections 214.1 and 214.3; for other principal buildings, same as in Section 208.3.

211.4—Rear Yard—30 feet deep.

661#





NOTES:

1. CURRENT TITLE REF: NACO ; S.M. 11452 FOLIO 558
DATE: FEB. 8, 1990.
2. CURRENT ZONING: R.C. 5 (SEE BALTIMORE CO. ZONING MAP UW 23K)
3. GROSS AREA: 1.6574 AC. (72,195 TO 54,814)
NET AREA: 1.0514 AC. (72,195 TO 54,814)
4. THIS PROPERTY IS NOT LOCATED IN THE CHEESAPEAKE BAY CRITICAL AREA
5. THIS PROPERTY IS NOT LOCATED IN AN 100 YEAR FLOODPLAIN.
6. FLOOR AREAS OF EXISTING RESIDENCES ON SITE:
 - #5907 FIRST FLOOR: 865.94 FT.
 - #5907 SECOND FLOOR: 470.58 FT.
 - #5900 FIRST FLOOR: 753.50 FT.
 - #5900 SECOND FLOOR: 414.55 FT.
 - #5911 FIRST FLOOR: 720.90 FT.
 - #5911 SECOND FLOOR: 400.50 FT.

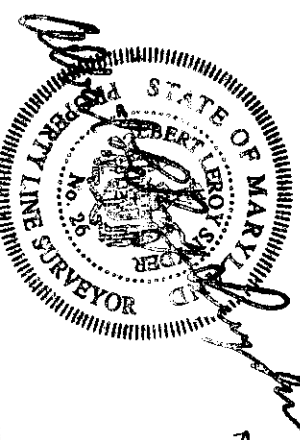
Ref Ex #1

**PLAN TO ACCOMPANY SPECIAL HEARING
FOR THE NACO PROPERTY**

***5307, *5309, *5311 EMORY ROAD**

4TH ELECTION DISTRICT
COUNCILMANIC DISTRICT 3
SCALE: 1" = 50'
DATE: OCTOBER 24, 2001
OWNER: NACO

WILLIAM NASH
SURVEYOR
15223 HANOVER PIKE
UPPER MERIDEN, MD. 21155



PREPARED BY:
A.L. SNYDER
SURVEYOR, INC.
1911 HANOVER PIKE
HANOVER, MD. 21074
410-789-7744

JOB NO. 99015 #119.